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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/412,182

10/05/1999

JOSEPH M. CANNON

83-76-31

9312

7590

04/14/2003

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EXAMINER

WEST, LEWIS G

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/14/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/412,182

Applicant(s)

CANNON ET AL.

Examiner

Lewis G. West

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

***Response to Arguments***

1. Applicant's arguments filed February 19, 2003 have been fully considered but they are not persuasive.

Applicant argues that a cellular phone is connected wirelessly to a base and is therefore not on-hook or off-hook, and cannot have such conditions. While a cellular phone may not be "on-hook" until after all digits are entered, it still has on-hook and off-hook conditions, as a voice connection may be present or absent. Also, Zicker, which is cited as relevant prior art, discloses on-hook and off-hook conditions in a cellular environment. Also Tendler does disclose a direct connection to a base station,. If a wireless connection is not a direct connection, then applicant's arguments are self-defeating, as a cordless phone has a wireless connection to a base. Also, Tendler directly states that the term "off-hook" in reference to a cellular phone, and it is therefore established in the art that a cellular phone may have an "off-hook" state. Furthermore applicant continues to argue that which is not claimed. Applicant still claims on-hook and off-hook in the alternative, and therefore a cordless phone capable of detecting a dialed number in either condition still reads on the invention. Prosecution is now closed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-4, 6 and 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tendler (US 5,555,286).

Regarding claim 1, Tendler discloses a cordless (cellular) telephone comprising a base unit (cell site), with a telephone line interface to interface the base unit to a public switched telephone network, wherein a handset is adapted to directly communicate to the base station, the handset including a keypad, a key scan element adapted to scan the keypad for a predetermined key sequence while the handset is in an on-hook condition, and a controller adapted to cause the initiation of an outgoing call based on a determination of the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 2, Tendler discloses a cordless telephone wherein the outgoing call is initiated to a telephone number corresponding to the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 3, Tendler discloses a cordless telephone wherein the predetermined sequence is 9-1-1. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 4, Tendler discloses a cordless telephone wherein the base unit is adapted to establish a link with a network based on a signal from the controller in the handset, to sense a dial tone and to output dual tone multifrequency (DTMF) signals corresponding to a number to be dialed to the network. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 6, Tendler discloses a handset for a cordless (cellular) telephone comprising a keypad, a key scan element adapted to scan the keypad for a predetermined key sequence while in an on-hook condition, and a controller adapted to cause the initiation of an

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outgoing call to a base, directly interfaced to the handset, with a telephone line interface based on a determination of the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 7, Tendler discloses a handset wherein the controller is adapted to output a signal to a corresponding base unit based on the determination of the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 8, Tendler discloses a handset, further comprising an RF transceiver, wherein the signal is output to the base unit via the RF transceiver. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 9, Tendler discloses a handset wherein the signal informs the base unit that the predetermined key sequence has been detected. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 10, Tendler discloses a handset wherein the signal comprises a dialing sequence of a number to be dialed. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 11, Tendler discloses a handset wherein the dialing sequence corresponds to the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 12, Tendler discloses a method of placing a telephone call from a cordless telephone handset, having a telephone line interface, that is in an on-hook condition, comprising the steps of: sensing the activation of a predetermined key sequence and initiating a telephone call based on the sensed activation, wherein the cordless telephone handset is adaptively interface directly with the base unit. (col. 7 lines 66- col. 8 line 4) (col. 2 lines 31-45, col. 5 lines 11-26)

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Regarding claim 13, Tendler discloses a method wherein the telephone call is a telephone number corresponding to the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 14, Tendler discloses a method wherein the predetermined key sequence is 9-1-1. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 15, Tendler discloses a method wherein the initiating step includes sending a signal to a corresponding base unit. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 16, Tendler discloses a method wherein the signal indicates detection of the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 17, Tendler discloses a method wherein the signal includes a dialing sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 18, Tendler discloses a method wherein the dialing sequence corresponds to the predetermined key sequence. (col. 2 lines 31-45, col. 5 lines 11-26)

Regarding claim 19, Tendler discloses a method wherein the signal is sent via an RF link. (col. 2 lines 31-45, col. 5 lines 11-26)

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler et al.

Regarding claim 5, Tendler discloses a device that may be used with a landline network using DTMF. (Col. 8 lines 5-14) Examiner takes official notice that would have been notoriously

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well known in that art at the time of the invention that a PSTN is a landline network using DTMF.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

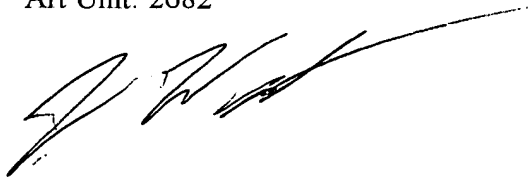
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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A handwritten signature in black ink, appearing to read 'Lewis West', with a long, sweeping horizontal stroke extending to the right.

Lewis West  
(703) 308-9298  
April 7, 2003

Lee Nguyen   
Primary Examiner